

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: High index and high impact resistant polythiourethane/urea material, method of manufacturing same and its use in the optical field

Appl. No.: 09/992,054

Applicants: Jallouli *et al.*

Filed: November 14, 2001

TC/A.U.: 1796

Examiner: Sergent, Rabon A.

Docket No.: ESSR:058US

Customer No.: 32425

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<p style="text-align: center;">E- Filing <i>mk</i></p> <p style="text-align: center;">CERTIFICATE OF MAILING</p> <p style="text-align: center;">37 C.F.R. § 1.132 <i>mk</i></p> <p>I hereby certify that this correspondence is being deposited with the U.S. postal service with sufficient postage as First class Mail in an envelope addressed to: commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p><u>9/22/08</u> <i>[Signature]</i></p> <p>Date Michael R. Krawzsenek</p>	
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DECLARATION OF AREF JALLOULI UNDER 37 C.F.R. §1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-01 450

I, **Aref Jallouli** declare that:

I am an American citizen residing at 13433 104th Avenue North, LARGO, Florida (US). I am currently employed as R&D manager of the filters and disruptive technology department of ESSILOR OF AMERICA, Inc., 8300 Sheen Drive, St Petersburg, Florida 33709 (US), a subsidiary of ESSILOR INTERNATIONAL (COMPAGNIE GENERALE D'OPTIQUE), where I have been employed since April 1999.

My background is in polymer chemistry and material science. I have been awarded a PhD in chemistry and physico-chemistry of polymers in 1994 from the Pierre and Marie Curie University,

Paris, France. I have expertise in the preparation of monomers, polymers, polymerizable compositions and materials for ophthalmic glasses. I am named as an inventor in several issued patents in these fields.

I am familiar with United States patent application 09/992,054 filed on November 14, 2001, being one of the inventors. I have reviewed the pending claims 22-24, 28-40, 42-43, 47-49 for this application, and the Non-Final Office Action dated March 21, 2008.

I understand that the Examiner in charge of assessing the patentability of the above-referenced application has rejected pending claims 22-24, 29-35, 38, 40, 42, 43, 47 and 49 under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement.

My declaration aims at showing that the rejected claims comply with the enablement requirement.

a) Although a limited number of disulfide-free (α,ω)-dithiol polysulfide pre-polymers are disclosed in the description (pages 4-5) and the examples (pages 10-19) of the present application, (α,ω)-dithiol polysulfide pre-polymers are classical compounds, which are easily synthesizable without undue experimentation from readily available starting materials using known procedures. This class of compounds is known for years.

The disulfide-free (α,ω)-dithiol polysulfide pre-polymers described in the present application are representative examples, which provide a chemist adequate guidance to the use of non-exemplified members of this family for producing polythiourethane/urea materials of improved optical quality.

b) Although no working example involving disulfide-free (α,ω)-diol polysulfide pre-polymers is given in the present application, the preparation and use of these compounds is not a burden. Indeed, the use of diol compounds is a conventional alternative to the use of dithiol compounds for a person skilled in the art of polymer chemistry. Seeing that the "dithiol variant" is so sufficiently disclosed that one can put this variant of the claimed invention into practice within the full scope of the claims, the "diol variant" can also be put into practice without any technical difficulty within the full scope of the claims.

I conclude that the skilled artisan can put the claimed invention into practice over the whole scope of the claims without having to resort to undue experimentation, using the description of the present patent application and common general knowledge.

I declare that all statements made in this declaration of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

September 19, 2008
Date

Aref Jallouli
Aref Jallouli